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FILED
DISTRICT COURT OF GUAM
JUN 14 2007
MARY L.M. MORAN
CLERK OF COURT

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12 *Attorneys for Defendants*
13 FUJITSU LIMITED, and
 FUJITSU MICROELECTRONICS AMERICA, INC.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF GUAM

NANYA TECHNOLOGY CORP. and
NANYA TECHNOLOGY CORP. U.S.A..

CIVIL CASE NO. 06-CV-00025

Plaintiff,

VS.

FUJITSU LIMITED, FUJITSU
MICROELECTRONICS AMERICA, INC.

DECLARATION OF AKIO NEZU

Defendants

ORIGINAL

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF GUAM**

NANYA TECHNOLOGY CORP. and
NANYA TECHNOLOGY CORP. U.S.A.

Plaintiffs,

CIVIL CASE NO. 06-CV-00025

FUJITSU LIMITED, FUJITSU
MICROELECTRONICS AMERICA, INC.

Defendants.

**DECLARATION OF
AKIO NEZU**

FUJITSU LIMITED, FUJITSU
MICROELECTRONICS AMERICA, INC.

Defendants.

I, AKIO NEZU, declare under penalty of perjury that the following is true and correct:

1. My name is Akio Nezu. I am over the age of 21 and am competent to make this declaration. I make the following statements to the best of my personal knowledge, confirmed by a reasonable inquiry.

2. I am the Marketing Manager for the embedded microcontroller products for Fujitsu Microelectronics America, Inc. ("FMA") and my office is located at 1250 East Arques Ave., Bldg. M/S 333, Sunnyvale, California 94085-5401..

3. I was responsible for the preparation of the brochure featuring a Johnson & Johnson OneTouch Ultra glucose monitoring system advertising the uses of 8 bit microcontrollers (“MCUs”) marketed by FMA. (NTC0089676 in Exhibit 11 of Plaintiffs’ Response And Memorandum In Opposition To Defendants’ Motions to Dismiss or Transfer.)

1 4. The advertisement incorrectly states that "glucose monitors" are one example of an
2 application where our "8 bit MCUs have found a home." This advertisement should have more
3 accurately stated that these devices "would be a good home" for these 8 bit microcontrollers.

4 5. This brochure was intended to show an example of a device that could potentially
5 be a "design fit" for 8 bit microcontrollers and was not intended to indicate an actual sale of
6 microcontrollers from FMA or Fujitsu Limited for incorporation into the Johnson & Johnson
7 OneTouch Ultra glucose monitoring system.

8 6. FMA never actually supplied any microcontrollers for any glucose monitoring
9 devices.

10 7. I am not aware of any microcontrollers sold by FMA that have actually been
11 incorporated into a glucose monitoring device.

12 8. Our customer sales database shows that FMA has not made any direct sales to
13 Johnson & Johnson and I am not aware of any sales to distributors that have sold microcontrollers
14 to Johnson & Johnson.

15 9. I have no knowledge of the actual components in the Johnson & Johnson
16 OneTouch Ultra glucose monitoring system.

17 I declare under penalty of perjury under the laws of the United States that the
18 foregoing is true and correct.

19 Executed this 30th Day of May, 2007.

20 By: 
AKIO NEZU